

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

ANDREW TOLIVER,  
TDCJ No. 1715875,  
  
Petitioner,  
  
V.  
  
DAVID GUTIERREZ and BRIAN  
COLLIER,  
  
Respondents.

No. 3:20-cv-3109-E

**ORDER ACCEPTING SUPPLEMENTAL FINDINGS, CONCLUSIONS, AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made supplemental findings, conclusions, and a recommendation in this case. No objections were filed. The District Court reviewed the proposed findings, conclusions, and recommendation for plain error. Finding none, the Court ACCEPTS the Supplemental Findings, Conclusions, and Recommendation of the United States Magistrate Judge. The Court therefore DISMISSES the construed civil rights complaint [Dkt. No. 5] with prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii) and DIRECTS the Clerk of Court to OPEN for statistical purposes a new action under 42 U.S.C. § 1983 – NOS 550, directly assigned to the undersigned and Magistrate Judge Horan – and to CLOSE the same.

SO ORDERED this 12th day of November, 2020.



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ADA BROWN  
UNITED STATES DISTRICT JUDGE